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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,112	04/08/2004	Toshiaki Nagashima	00684.003622	8398
5514	7590	06/27/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,112

Applicant(s)

NAGASHIMA ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10012004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-9) in the reply filed on 05/13/2005 is acknowledged. The traversal is on the ground(s) that burden is placed upon the examiner to search an additional classes and/or subclass, necessary to determine the art relevant to applicant's overall invention is significantly outweighed by the public interest in not having to obtain and study several patents in order to have available all of the patent claims covering applicant's invention, the alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different examiners on different occasions. This is not found persuasive because the examiner as set on paper Num. 04122005 that each of group I and II relate to different inventions, which require different search areas nor require for the other invention.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement filed 10/01/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. For example the JP. 2,803,903 was not considered, because no copy been provided.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. For example (Method For Manufacturing Toner Container).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP. (9,222,839).

'839 discloses a manufacturing method for a toner container provided with an opening, said method comprising, a filling step of filling the toner container with toner through an opening (Abstract, lines 1 and 3); a closing step (via lid 40) of setting a cap member and closing the opening with the cap member, after said filling step (Abstract); and a sealing step of sealing the opening by sealing the cap member to the toner container by a welding jig (Abstract, line 5; via through ultrasonic weld), wherein the cap member is welded to the toner container while imparting a relative movement of the welding jig relative to the toner container toward an unwelded portion (note that it is inherent the source of the ultrasonic is moving around the unwelded portions between the cap and container to weld all the way around). '839 does not disclose that the sealing step done by vibration welding. However, the examiner takes an official notice that such vibration welding by such moving the welding arm back and forth around the welded area is old, well known, and available in the art, such as using operator's hand to weld

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around the welding area the had is vibrated around the welding area. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 by vibration welding to insure good weld in the needed area. Alternatively, note that when the machine operated cause some vibration, which will make the source of the ultrasonic welding in '839 to be vibrated.

Regarding claim 2: '839 discloses further a fixing step of fixing a position of the toner container and substantially preventing movement of the toner container, wherein said filling step is effected after said fixing step, note that it is inherent the while filling the container the container is fixed to avoid spilling of the product around the container.

Regarding claim 3: '839 discloses that the relative movement is provided by moving the welding jig, note that it is inherent the welding jig is moving around the container to insure good weld all the area around the container and cap.

Regarding claim 6: '839 discloses that the cap member is ultrasonic-welded to the toner container by the welding jig (Abstract, line 5).

Regarding claims 7 and 8: '839 does not disclose that in the sealing step the welding jig is circulated around the opening to return to a start point of welding nor has a free projected end. However, the examiner takes an official notice that such movement of welding arm around welding area is old, well know, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 welding arm by circulated welding arm with free end to insure good and complete weld in all sides of the container.

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Regarding claim 9: '839 does not disclose that the opening functions to permit removal of a mold during injection molding of the toner container. However, the examiner takes an official notice that manufacturing container by molding means is old, well known, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 by molding the container and allowing the mold to be removed through the container's opening in order to manufacture molded container as option of a design choice.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art applied to claims 1-3 above and further in view of Corbic (4,228,633).

'839 does not disclose that a pressing step of pressing the cap member into the toner container by a pressing jig after the cap member is set in the toner container in the closing step nor the sealing step is effected after the cap member is pressed into the toner container in the pressing step. However, Corbic discloses a similar method of manufacturing container comprising the steps of pressing the cap member into the container and then sealing the cap member after the pressing step (Fig. 5; via pressing and welding means 13).

Therefore, would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified '839 welding arm by allowing or programming the arm to press the cap into the container before the welding step, in order to insure and locate the cap in the right position in respect to the container before the sealing step.

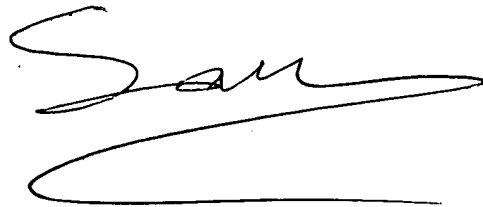
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
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A handwritten signature in black ink, appearing to read 'Sameh', with a long horizontal flourish extending to the right.

ST.